

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

EDWARD COLLINS, an individual,

Plaintiff,

v.

BISHOP, WHITE & MARSHALL, P.S., a
Washington corporation,

Defendant.

Case No. CV-10-324-EFS

DEFENDANT'S ANSWER AND,
AFFIRMATIVE DEFENSES

Comes now, Bishop White and Marshall, P.S. (hereinafter "BWM") and for answer to the complaint filed by Plaintiff in this cause states:

1. The allegations in paragraph 1 of the complaint contain legal conclusions which do not require an answer. To the extent that any claims are pled, they are denied.

2. BWM admits the allegations of paragraph 2 of the complaint.

3. BWM does not have sufficient information to form an opinion as to the truth in the allegations in paragraph 3 and therefore denies them.

4. BWM admits the allegations in paragraph 4, 5 and 6 of the complaint.

5. BMW does not have sufficient information to form an opinion as to the truth of the allegations in paragraphs 7 and 8 of the complaint and therefore denies them.

DEFENDANT'S ANSWER AND
AFFIRMATIVE DEFENSES - 1

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1 6. With respect to paragraph 9 of the complaint, BWM states that the
2 complaint speaks for itself and to the extent that a different interpretation is implied, it is
3 denied.

4 7. BMW does not have sufficient information to form an opinion as to the
5 truth of the allegations in paragraphs 10 and 11 of the complaint and therefore denies
6 them.

7 8. BWM denies the allegations in paragraph 12 of the complaint.

8 9. BMW does not have sufficient information to form an opinion as to the
9 truth of the allegations in paragraph 13 of the complaint and therefore denies them.

10 10. BWM admits the allegation in paragraph 14 of the complaint.

11 11. With respect to paragraph 15 of the complaint, BWM states that the Exhibit
12 speaks for itself and to the extent that a different interpretation is implied, it is denied.

13 12. BWM denies the allegations in paragraph 16 of the complaint. Plaintiff's
14 attorneys stated that they represented Edward E. Collins, not Edward S. Collins.

15 13. With respect to paragraph 17 of the complaint, BWM states that the Exhibit
16 speaks for itself and to the extent that a different interpretation is implied, it is denied.

17 14. With respect to paragraph 18 of the complaint, BWM states that the
18 document speaks for itself and to the extent that a different interpretation is implied, it is
19 denied.

20 15. BWM admits that it did not file the action as alleged in paragraph 19 of the
21 complaint.

22 16. BWM denies the allegations in paragraphs 20 through 26 of the complaint
23 inclusive and each and every other allegation of the complaint.

AFFIRMATIVE DEFENSES

By way of affirmative defenses, BWM realleges the foregoing answer and states:

17. BWM denies that Plaintiff sustained any damages, injury or loss and further denies that the alleged acts or omissions of BWM were the proximate cause of Plaintiff's alleged damages.

18. Plaintiff's damages, if any, were the direct and proximate result of the Plaintiff's own conduct for which BWM had no responsibility or control and which are a superseding or intervening cause of the alleged damages.

19. In the event that there were any violations of any statute, they were unintentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid such error.

20. Any actions or representations by BWM and its employees, or agents were made in good faith and based upon a reasonable belief that the actions were true and correct.

21. Plaintiff's claim is barred by the principles of waiver, estoppel and judicial estoppel.

22. Plaintiff is without standing to bring this action.

23. Plaintiff has failed to state any facts sufficient to constitute a cause of action against BWM.

Wherefore BWM prays for the following relief:

1. That the complaint be dismissed in its entirety.

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DEFENDANT'S ANSWER AND
AFFIRMATIVE DEFENSES - 5

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